

1 TERRY E. SANCHEZ (State Bar No. 101318)  
terry.sanchez@mto.com

2 MUNGER, TOLLES & OLSON LLP  
3 355 South Grand Avenue  
3 Thirty-Fifth Floor  
Los Angeles, California 90071-1560  
4 Telephone: (213) 683-9100  
Facsimile: (213) 687-3702

5 MALCOLM A. HEINICKE (State Bar No. 194174)

6 malcolm.heinicke@mto.com  
560 Mission St.  
7 Twenty-Seventh Floor  
San Francisco, CA 94105  
8 Telephone: (415) 512-4000  
Facsimile: (415) 644-6929

9 Attorneys for Defendants WELLS FARGO &  
10 COMPANY; WELLS FARGO ADVISORS,  
11 LLC; and WELLS FARGO ADVISORS  
FINANCIAL NETWORK, LLC

12 [ADDITIONAL COUNSEL LISTED ON  
13 SIGNATURE PAGE]

14 UNITED STATES DISTRICT COURT

15 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

16  
17 KENNISON WAKEFIELD, individually and  
on behalf of all other similarly situated,

18 Plaintiff,

19 vs.

20 WELLS FARGO & COMPANY, WELLS  
21 FARGO ADVISORS, LLC, and WELLS  
22 FARGO ADVISORS FINANCIAL  
NETWORK, LLC and DOES 1 through 20,

23 Defendants.

Case No. 3:13-cv-05053-LB

**STIPULATION AND [PROPOSED]  
ORDER RE: (i) WITHDRAWAL OF  
REMAND MOTION AND (ii) BRIEFING  
SCHEDULE FOR MOTION ON  
STATUTE OF LIMITATIONS**

Judge: Hon. Laurel Beeler

1 WHEREAS, on October 29, 2013, Defendants Wells Fargo & Co., Wells Fargo  
2 Advisors, LLC, and Wells Fargo Financial Network, LLC (“Defendants”) removed the above-  
3 captioned matter to this Court;

4 WHEREAS, on November 26, 2013, Plaintiff Kennison Wakefield (“Plaintiff”)  
5 filed a Motion to Remand this matter to state court (Dkt. No. 12);

6 WHEREAS, the Parties then agreed to attempt an early mediation of this matter  
7 before a private mediator;

8 WHEREAS, the parties have since jointly stipulated and requested four  
9 continuances of all dates in order to continue to engage in settlement and mediation discussions;

10 WHEREAS, the Court has granted the parties’ requests for such continuances, (see  
11 Dkt. Nos. 18, 25, 30, 36), including most recently on June 11, 2014 (Dkt. No. 36);

12 WHEREAS, pursuant to the Court’s June 11, 2014 Order, Defendants’ opposition  
13 to the Motion to Remand currently is scheduled to be filed on June 19, 2014, and Plaintiff’s reply  
14 to Defendants’ opposition to the Motion to Remand is scheduled to be filed on June 26, 2014, and  
15 the hearing on Plaintiff’s Motion to Remand is set for July 17, 2014 at 9:30 a.m.;

16 WHEREAS, Plaintiff wishes to withdraw the Motion to Remand (Dkt. 12) because  
17 the parties believe and concur that federal jurisdiction pertains to this action under the Class  
18 Action Fairness Act, 28 U.S.C. § 1332(d);

19 WHEREAS, the parties have entered into a Memorandum of Understanding that  
20 conditionally settles this action and the parties will be working on a definitive settlement  
21 agreement, ultimately subject to Court approval. The Memorandum of Understanding will be  
22 provided to the Court’s chambers;

23 WHEREAS, the settlement is conditioned upon, and the total settlement  
24 consideration will be affected by, the process set forth in the Memorandum of Understanding and  
25 the Court’s ruling on a motion for summary adjudication concerning the statute of limitations and  
26 its applicability to a portion of the members of the putative class;

27 WHEREAS, Defendants will file such motion under F.R.C.P. Rule 56 for summary  
28 adjudication within 35 days; and

1 WHEREAS, counsel for Plaintiff has disclosed to counsel for Defendants the  
2 contacts of one of the counsel for Plaintiff with the Honorable Magistrate Beeler as described in  
3 the attached memorandum and Defendants do not object to this Court's administration of this case.

4 NOW, THEREFORE, the parties stipulate and the Court orders as follows:

5 1. The Motion to Remand (Dkt. No. 12) is withdrawn with prejudice, and the  
6 hearing thereon scheduled for July 17, 2014, at 9:30 a.m., is taken off calendar.

7 2. There is jurisdiction in this Court pursuant to the Class Action Fairness Act,  
8 28 U.S.C. § 1332(d), in that this is an alleged class action where the matter in controversy exceeds  
9 \$5 million, the number of alleged class members is approximately 135, more than two-thirds of  
10 the alleged class members are citizens of California, and no defendant from whom significant  
11 relief is sought and whose conduct forms a significant basis for the claims of the alleged class is a  
12 citizen of California. (While defendant Wells Fargo & Co. is headquartered in California, it is  
13 named as parent of Wells Fargo Financial Services, LLC, against which all significant relief is  
14 sought in the Complaint.)

15 3. Subject to approval of the Court, the following dates are proposed with  
16 respect to the briefing schedule on the summary adjudication motion:

Event	Date
Motion due	July 22, 2014
Opposition due	August 5, 2014
Reply due	August 12, 2014
Hearing date	September 4, 2014

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22 SO STIPULATED.  
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1 DATED: June 18, 2014

MUNGER, TOLLES & OLSON LLP

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3  
4 By: /s/ Terry E. Sanchez

TERRY E. SANCHEZ

5 Attorneys for Defendants WELLS FARGO &  
6 COMPANY; WELLS FARGO ADVISORS, LLC; and  
7 WELLS FARGO ADVISORS FINANCIAL  
NETWORK, LLC

8 DATED: June 18, 2014

BARTKO, ZANKEL, BUNZEL & MILLER

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10  
11 By: /s/ Robert H. Bunzel

ROBERT H. BUNZEL

12 Attorneys for Plaintiff Kennison Wakefield  
13

14 IT IS SO ORDERED.

15 DATED: \_\_\_\_\_

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LAUREL BEELER  
UNITED STATES MAGISTRATE JUDGE  
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**FILER'S ATTESTATION**

Pursuant to Local Rule 5-1(i)(3), regarding signatures, I attest under penalty of perjury that concurrence in the filing of the document has been obtained from Robert H. Bunzel.

DATED: June 18, 2014

MUNGER, TOLLES & OLSON LLP

By: /s/ Terry E. Sanchez  
TERRY E. SANCHEZ